

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA,)	
)	Case No. 1:22-cr-23
v.)	
)	Judge Atchley
DREQUAN BIVENS,)	
)	Magistrate Judge Lee

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending¹ that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the one-count Indictment; (2) accept Defendant's guilty plea as to Count One; (3) adjudicate the Defendant guilty of Count One; (4) defer a decision on whether to accept the plea agreement [Doc. 26] until sentencing; and (5) Defendant will remain on bond under appropriate conditions of release pending sentencing in this matter. [Doc. 32]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 32] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count One of the Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of Count One;

¹ The written Plea Agreement states in Paragraph 2 that pursuant to Fed. R. Crim. P. 11(a)(2), the Parties agree that Defendant Bivens retains the right to appeal the denial of his Motion to Dismiss [Doc. 16].

4. A decision on whether to accept the plea agreement [Doc. 26] is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** on bond pending sentencing in this matter, which is scheduled to take place on **June 20, 2024, at 10:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/ *Charles E. Atchley, Jr.*

CHARLES E. ATCHLEY, JR.

UNITED STATES DISTRICT JUDGE